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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/648,540	08/28/2000	Alexander D. Schapira	246/214	7789
23639 7590 07/31/2007 BINGHAM MCCUTCHEN LLP Three Embarcadero Center San Francisco, CA 94111-4067			EXAMINER GUILL, RUSSELL L	
			ART UNIT 2123	PAPER NUMBER
			MAIL DATE 07/31/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/648,540	SCHAPIRA ET AL.	
	Examiner	Art Unit	
	Russ Guill	2123	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8 is/are allowed.
- 6) ☒ Claim(s) 1-7, 9-12 and 14-18 is/are rejected.
- 7) ☒ Claim(s) 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. This Office Action is in response to an Amendment filed July 10, 2007. Claims 1 - 18 are pending. Claims 1 - 18 have been examined. Claim 1 - 7, 9 - 12 and 14 - 18 are rejected. Claim 13 is objected to. Claims 1 - 18 are allowable over the prior art of record.

2. The finality of the previous Office Action is withdrawn. PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

Response to Remarks

3. Regarding claim 1 rejected under 35 USC § 101:
- a. Applicant's arguments regarding a useful result for the claims are persuasive.

Claim Objections

4. Claim 13 is objected to for the following minor informalities: the claim recites in line 5, "said interfaces". This appears to mean, "said interface". Reference to the previous limitation should remain consistent to avoid any possible confusion or antecedent issues.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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- a. Claims 1 - 7, 9 - 12 and 17 - 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
- i. Regarding claim 1, the claim recites in line 9, "said output". The term appears to have insufficient antecedent basis. Correction or amendment is required.
 - ii. Regarding claim 2, the claim recites in line 2, "said output". The term appears to have insufficient antecedent basis. Correction or amendment is required.
 - iii. Regarding claim 9, the claim recites in line 9, "at least one of said one or more outputs". The term appears to have insufficient antecedent basis. Correction or amendment is required.
 - iv. Regarding claim 9, the claim recites in line 10, "said at least one output". The term appears to have insufficient antecedent basis. Correction or amendment is required.
 - v. Regarding claim 9, the claim recites in line 12, "said at least one output". The term appears to have insufficient antecedent basis. Correction or amendment is required.
 - vi. Regarding claim 10, the claim recites in line 4, "said at least one output". The term appears to have insufficient antecedent basis. Correction or amendment is required.
 - vii. Regarding claim 11, the claim recites in line 4, "said at least one output". The term appears to have insufficient antecedent basis. Correction or amendment is required.
 - viii. Regarding claim 12, the claim recites in lines 1 - 2, "said at least one circuit". The term appears to have insufficient antecedent basis. Correction or amendment is required.

- ix. Regarding claim 3, the claim stores simulation information, but does not appear to perform a simulation. The claim appears to be incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted element is a simulation step.
- x. Regarding claim 5, the claim stores simulation information, but does not appear to perform a simulation. The claim appears to be incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted element is a simulation step.
- xi. Regarding claim 9, the claim stores simulation information, but does not appear to perform a simulation. The claim appears to be incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted element is a simulation step.
- xii. Regarding claim 17, the claim stores simulation information, but does not appear to perform a simulation. The claim appears to be incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted element is a simulation step.

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

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Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. **Claims 14 - 16** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

a. Regarding claim 14, the recited simulator appears to contain abstract operations such as determining whether to apply an output to a digital circuit output state. Therefore, to be statutory, the claim must be directed to a practical application producing a concrete, useful and tangible result. The claim does not appear to produce a tangible result needed to support a practical application. While the claim appears to simulate, it does not appear to produce a tangible result.

Allowable Subject Matter

8. Claims 1 - 18 are allowable over the prior art of record.

9. As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).

10. A reasons for indicating allowability of the claims was provided in previous Office Actions dated August 21, 2006 and March 21, 2006.

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Conclusion


11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Russ Guill whose telephone number is 571-272-7955. The examiner can normally be reached on Monday - Friday 9:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Rodriguez can be reached on 571-272-3753. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Any inquiry of a general nature or relating to the status of this application should be directed to the TC2100 Group Receptionist: 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Russ Guill
Examiner
Art Unit 2123

RG


ZOILA CABRERA
PRIMARY EXAMINER
TECHNOLOGY CENTER 2100

7/30/07